

PRODUCT: 50 packages of *Tolergen Tablets* which were offered for sale by the Vita Health Food Co., at Washington, D. C. The product was accompanied by a number of leaflets entitled "The Riddle of Allergy," and each package of the product contained a circular entitled "Are you Allergic."

Examination of a sample indicated that the product possessed approximately the composition declared upon its label.

LABEL, IN PART: "Tolergen * * * each tablet contains: Ascorbic Acid . . . (100 Mg.) 2000 U. S. P. Units, Irradiated Ergosterol . . . 150 U. S. P. Units, Dicalcium Phosphate Anhydrous 5 grains * * * Distributors Research Drug Company, Inc. 100 Fifth Avenue New York."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label and in the circulars and leaflets were false and misleading since they represented and suggested that the article would be effective in the prevention and relief of allergic distress, hay fever, rose fever, asthma, eye catarrh, migraine, bad breath, nausea, skin rashes, eczema, hives, diarrhea, itch, pimples, and indigestion; and that it would promote the general health and strength. The article would not be effective for such purposes.

DISPOSITION: October 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1731. Misbranding of Tolergen Tablets. U. S. v. 10 Bottles and 18 Bottles of Tolergen Tablets. Default decree of condemnation and destruction. (F. D. C. No. 18680. Sample No. 29579-H.)

LABEL FILED: January 4, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about October 5, 1945, by the Western Natural Foods Co., from Seattle, Wash.

PRODUCT: 10 40-tablet bottles and 18 50-tablet bottles of *Tolergen Tablets* at Berkeley, Calif.

LABEL, IN PART: "Tolergen * * * Each tablet contains: Ascorbic Acid (100 mg.)—2000 U. S. P. Units Irradiated Ergosterol (supplying Vitamin D—150 U. S. P. Units) Dicalcium Phosphate Anhydrous—5 grains with excipient * * * Distributors Research Drug Company, Inc. 100 Fifth Avenue—New York."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars shipped with the article and entitled, "The Riddle of Allergy Now Medical Science has the Answer" and "What to do about your Cosmetic Allergy," were false and misleading since they represented and suggested that the article would be effective for the relief of allergic conditions such as hay fever, rose fever, asthma, eye catarrh, migraine, bad breath, nausea, skin rashes, eczema, hives, diarrhea, itch, pimples, and indigestion; and that it would be effective in the treatment of skin affections, nose and throat troubles, and digestive disturbances. The labeling represented and suggested further that the article would fortify the system against the causes of allergic distress; that it would be beneficial in improving the general condition; and that it would be effective in establishing systemic resistance to allergies. It also represented and suggested that the article would be effective to correct cosmetic allergies and skin troubles caused by wearing apparel; that it would build up a resistance to allergy-producing substances, so that any favorite cosmetic could be used without fear of annoying and unsightly skin troubles; that irritation, roughness, chapping, dryness, and unsightly eruptions of the skin caused by the use of cosmetics would be corrected; and that use of the article would result in clear, glowing, and entirely fresh looking skin. The article would not be effective for the purposes represented.

DISPOSITION: March 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1732. Misbranding of Lock's Oil Eucalyptus Compound. U. S. v. 518 Bottles of Lock's Oil Eucalyptus Compound. Default decree of condemnation and destruction. (F. D. C. No. 18145. Sample No. 2951-H.)

LABEL FILED: November 15, 1945, District of Columbia.

PRODUCT: 125 1-ounce bottles, 125 2-ounce bottles, 260 4-ounce bottles, and 8 8-ounce bottles of *Lock's Oil Eucalyptus Compound*, held and intended for sale in the District of Columbia in the possession of the G. C. Murphy Co., Washington, D. C. The product was accompanied by labeling consisting of a

streamer bearing the words "Why Suffer With a Cold Locks Medicines," and framed printed matter headed "Eucalyptus, A Distillate of the fresh leaves" and "Cold, Common."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling accompanying the product were false and misleading since they represented and suggested that it would be effective for colds, fermentative dyspepsia, intestinal parasites, and other affections of the alimentary tract, for infections of the air passages, as in common cold or influenza, and for remedying conditions resulting in foul sputum; and that, when mixed with olive oil, it would be effective in the treatment of rheumatism. The article would not be effective for such purposes.

DISPOSITION: January 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1733. Misbranding of Laken's 9 Drops Capsules and Liquid. U. S. v. 20 Boxes of Laken's 9 Drops Capsules, 33 Combination Packages of Laken's 9 Drops Capsules and Liquid, and 1 display card. Default decree of condemnation and destruction. (F. D. C. No. 18204. Sample Nos. 4864-H, 4865-H.)

LABEL FILED: On or about October 31, 1945, District of New Jersey.

ALLEGED SHIPMENT: From Philadelphia, Pa. The products were shipped by David H. Blank & Co. on or about August 29 and September 27, 1945, and the placard was shipped on or about August 29, 1945, by Harry Laken, owner of the Marshall Drug Co., Philadelphia, Pa., and manufacturer of the product.

PRODUCT: 20 boxes of *Laken's 9 Drops Capsules* and 33 combination packages of *Laken's 9 Drops Capsules and Liquid* at Camden, N. J., together with 1 display card entitled "Why Suffer with Rheumatic Pains, Get that New Discovery Laken's 9 Drops To-Day." A circular entitled "Laken's 9 Drops What It Is" was enclosed in some of the packages of the products, and a circular entitled "Facts Everyone Should Know About" was enclosed in other packages.

Examination disclosed that the capsules consisted essentially of 3½ grains of aspirin, 2.6 grains of acetophenetidin, and 1 grain of caffeine citrate per capsule; and that the liquid consisted essentially of sodium salicylate, potassium iodide, water, and a trace of an alkaloid.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars and on the display card, and the design of a man in pain appearing in the circular entitled "Facts Everyone Should Know About," were false and misleading since they represented and suggested that the articles, alone or in combination, would be effective in the treatment of rheumatism, lumbago, arthritis, stiff and swollen joints, backache, and neuritis; that they would be effective as an analgesic and uric acid solvent; that they would be effective to get at the main cause of so-called rheumatism; that they would be effective in the treatment of the suffering and discomfort associated with common colds and in the treatment of sciatica; and that they would be effective to activate the kidneys and eliminate uric acid poison. The articles, alone or in combination, would not be effective for those purposes.

DISPOSITION: March 1, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1734. Misbranding of Laken's 9 Drops Capsules and Liquid. U. S. v. 22 Combination Packages of Laken's 9 Drops Capsules and Liquid (and 1 seizure action against another lot of the same products). Default decrees of condemnation and destruction. (F. D. C. Nos. 18417, 18430. Sample Nos. 4771-H, 4888-H.)

LABELS FILED: On or about November 27 and December 4, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about September 5 and October 26, 1945, by the Marshall Drug Co., from Philadelphia, Pa.

PRODUCT: 22 combination packages of *Laken's 9 Drops Capsules and Liquid* at Paulsboro, N. J.; and 21 combination packages of the same products, together with 6 packages of *Laken's 9 Drops Capsules*, at Camden, N. J.

Examination showed that the capsules consisted essentially of aspirin, acetophenetidin, and caffeine; and that the liquid consisted essentially of sodium salicylate, potassium iodide, water, and a trace of an alkaloid.